

REMARKS

The Office Action dated January 26, 2009 has been received and carefully considered. In this response, no amendment is made. Reconsideration of the outstanding rejections in the present application is respectfully requested based on the following remarks.

I. THE NON-STATUTORY SUBJECT MATTER REJECTION OF CLAIMS 1-15 AND 33

On pages 2-3 of the Office Action, claims 1-15 and 33 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Specifically, the Examiner asserts that “the recitation of a computer in the preamble of the [method] claims is merely insignificant extra-solution activity” and does not qualify the claimed invention as statutory processes. Office Action at 3. This rejection is hereby respectfully traversed.

The Office Action erred by only looking at the preamble of claims 1 and 33 without fully considering language of the entire claims. Claims 1 and 33 actually satisfy both the machine and transformation requirements for statutory process claims. Both claims specifically recite objects of another statutory class, such as “*separate database entities* [for managing data and content respectively],” which electronic storage devices (i.e., machine) are indispensable for the claimed enterprise content management method which typically involves a large quantity of data and content. In addition, even without the explicit modifier “computer-implemented,” every person of ordinary skill would understand that the claim methods have to be carried out with one or more computers. Thus, the use of computer(s) can in no way be characterized as “insignificant extra-solution activity” but is inherently part of the claimed processes. If this strong tie to computational equipment is not enough, both claims also recite “*integrating, at the multiple presentation channels, the plurality of data with the plurality of content based on the plurality of*

rules” which process involves transforming data and content from database form into (distributable) presentation form with specified physical layout.

In view of the foregoing, it is respectfully requested that the aforementioned non-statutory subject matter rejection of claims 1-15 and 33 be withdrawn.

II. THE OBVIOUSNESS REJECTION OF CLAIMS 1-33

On pages 3-12 of the Office Action, claims 1-6, 9-21, and 29-32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over George (U.S. Pub. No. 2002/0095481) in view of LeMole (U.S. Pat. No. 6,009,410) and further in view of Quatse (U.S. Pub. No. 2005/0010472). On pages 12-15, Claims 7, 8, 22, 23, and 33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over George in view of LeMole in view of Quatse and further in view of Todd (U.S. Pub. No. 2003/0061057). These rejections are hereby respectfully traversed.

The obviousness rejections are improper for at least the following reasons: (1) the references cited fail to teach or suggest all the claim elements; (2) the citations and interpretation of the references are not coherent or self-consistent; and (3) there is simply no reason or motivation for combining the bits and pieces of these references.

Since the Office Action focused its analysis on claim 16, Applicant will also refer to this claim to illustrate the deficiencies in the obviousness rejections. These arguments apply similarly to the rest of the pending claims.

First, contrary to the Examiner’s assertions, George does not disclose or even suggest “a processor module” that “*packages the plurality of rules with the plurality of content*” or “a delivery module” that “*delivers the plurality of data and the carrier to the multiple presentation channels*” as presently claimed. Nor do the other cited references teach or suggest the same.

The Examiner probably did not fully appreciate that the packaging of rules with content into a channel-independent carrier and the delivery of data and the carrier to multiple presentation channels both occur *prior to* the eventual communications with customers. As a result, the Office Action cited the same paragraph 19 from George as allegedly disclosing both the packaging and delivery as presently claimed. However, the "e-mail content merge program" and "server 116" described in paragraph 19 do not perform the intermediate steps of packaging rules with content or delivering data and carrier (with the packaged rules and content) to presentation channels. The "e-mail content merge program" and "server 116" in George are themselves part of a presentation channel that performs the final step of integrating data with content immediately before communicating to customers. Please refer to the table below for a quick comparison of what is being packaged/delivered in the claimed invention versus in George's disclosure —

	Claimed Invention (claim 16)	George (para. 19)
<i>What is packaged?</i>	"the plurality of rules with the plurality of content"	"at least one product data set"
<i>In what form?</i>	"a carrier that is independent from the multiple presentation channels"	"a communications message, such as an e-mail message"
<i>What is delivered?</i>	"the plurality of data and the carrier"	"a communications message, such as an e-mail message"
<i>Delivery to whom?</i>	"to the multiple presentation channels"	"to the customer"

The differences should be quite apparent, indicating that the citations do not match up with the rejected claim elements. Furthermore, it is not at all necessary for George to package rules with content before delivering the carrier to multiple channels as George deals with only one channel (i.e., E-mail). Applicant has not found any other portion of the cited references that could remedy this deficiency.

Second, the fact that the Office Action cited the same paragraph from George against three distinct elements recited in claim 16 shows inconsistency in this ground of rejection. On pages 4-5, the Office Action cited paragraph 19 from George (construction of an e-mail message") as allegedly disclosing the "processor module," "delivery module" and "presentation channels" with the respective packaging, delivering and integrating functions as recited in claim 16. However, these elements and functions are clearly different from one another based on the plain language of the claim, and therefore this is not a situation where the Examiner could kill three birds with one stone.

Third, there is no reason to combine the cited references as none of them is related to content management for multiple channels as presently claimed. Out of the four cited references, only the primary reference George and one secondary reference LeMole are related to content management. However, both of them fall into the category of "single-functioned" (or single-channel) methods which Applicant has already criticized in the "Background of the Invention" section. See Present Application at page 2, line 14 – page 3, line 6. That is, George and LeMole are each concerned with one communication channel only – for George it is E-mail messages and for LeMole it is Internet ads. Quatse and Todd discloses little (if anything) on content management: Quatse describes a targeted marketing methodology and Todd discusses a registration application for data storage.

Almost like an afterthought, the Office Action cited Quatse for its disclosure of "multiple presentation channels" (Office Action), as if multi-channel content management is just one discrete piece that can be slapped onto the other elements of the claimed invention. However, such a passing reference to multiple channels at most shows the desirability of multi-channel communications but does not say, one way or another, whether the multiple channels are subject

to separate (channel-by-channel) or unified/centralized content management. Even if a preference for unified content management were somehow hinted at, without more, it would not teach an ordinary artisan how to transform disclosures of discrete-channel content management in (such as George and LeMole) into the multi-channel content management of the present invention.

References should not be combined simply because they are combinable. The Examiner must articulate some reason or motivation for a person of ordinary skill to combine them. In the present case, no such reason or motivation exists to modify George or LeMole with Quatse to coordinate content management among multiple channels. Indeed, the Examiner barely offers any explanation other than saying "such would provide multiple avenues to distribute content" (Office Action at 6), which is no more than asserting "doing X is good for the sake of doing X."

For at least these reasons, claim 16 and its dependent claims should be patentable over the cited references. Similarly, independent claims 1 and 31-33 and their dependent claims (if any) should be patentable over the cited references.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 1-33 be withdrawn.

III. CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with

the present application.

Please charge any shortage in fees due in connection with the filing of this paper to Deposit Account No. 50-4494, and please credit any excess fees to the same deposit account.

Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,
Goodwin|Procter LLP

/s/Ce Li
Ce Li
Registration No. I.0214

Goodwin|Procter LLP
901 New York Ave., N.W.
Washington, D.C. 20001
(202) 346-4294

Dated: March 31, 2009